

EXHIBIT 8

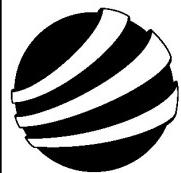
In the Matter Of:

ANYWHERE COMMERCE V. INGENICO

1:19-cv-11457-IT

IVAN ZATKOVICH

May 11, 2022



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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANYWHERE COMMERCE,) NO.
INC. and BBPOS) 1:19-cv-11457-IT
LIMITED,)
)
Plaintiffs,)
)
- vs -)
)
INGENICO INC.,)
INGENICO CORP., and)
INGENICO GROUP, SA,)
)
Defendants.)
- - - - -)

Oral deposition of IVAN ZATKOVICH,
taken at the offices of KUTAK ROCK, 1760 Market
Street, Suite 1100, Philadelphia, Pennsylvania on
Wednesday, May 11, 2022, commencing at 10:01 a.m.,
before Lucy M. Berardi, Professional Reporter and
Notary Public in and of the Commonwealth of
Pennsylvania.

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1 A P P E A R A N C E S:

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1 A. The description of the test, again, and the
2 results, in as detailed as I thought was sufficient
3 to express my opinions, were laid out in my report.

4 Q. So, for example, you didn't use a lab
5 notebook to record the observations that you made?

6 A. The tests were quite simple, looking --
7 we're providing activity on an audio signal, either
8 random activities such as music or coherent
9 activities such as mPOS transaction, and we're
10 looking at the reaction of the device to that.

11 That's all we were looking for.

12 Q. I'm just wondering if there's something
13 other than, you know, the words that you've written
14 in your report or your testimony today that we can
15 look at to corroborate the results that you observed
16 in this testing.

17 A. I believe the entirety of the test in terms
18 of the objectives, how we connected the devices, and
19 the results are adequately reflected in my report.

20 Q. Other than the testing that you just
21 described, did you perform any testing on any of the
22 BBPOS or Ingenico devices?

23 A. I'm sorry, could you ask that again?

24 Q. Sure.

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1 Did you perform any other tests on any of
2 these mPOS devices?

3 A. Yes. I personally conducted continuity
4 tests on the circuit boards. In some cases, I
5 desoldered the components and tested the leads of
6 those components to verify the type of components.
7 I did that primarily for the polarity detection and
8 correction trade secrets.

9 Q. Did you perform those types of continuity
10 tests on both Ingenico and BBPOS devices?

11 A. No, just on the Ingenico devices.

12 Q. Were there any other forms of testing that
13 you did of devices?

14 A. No, I believe that's it.

15 Q. For the testing that you described for the
16 BBPOS devices, you didn't need to crack open the
17 case of the product, right?

18 A. Actually, for determining a power signal,
19 yes, we did.

20 Q. So would it be fair to say that you opened
21 the case of all of these devices?

22 A. Yes.

23 Q. And did you examine the circuitry of each
24 of them?

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1 BY MR. TECHENTIN:

2 Q. So, Mr. Zatkovich, when we broke, I think
3 you were going to refer to your reply report with
4 respect to the discussions you had with Mr. Lo about
5 the maintenance of trade secrets.

6 A. Correct.

7 Q. Okay. Go ahead, please.

8 A. It turns out I did find the reference that
9 I was looking for in my first report.

10 Q. Okay.

11 A. On page 45, paragraph -- paragraph 116.

12 Q. All right. I was going to ask you about
13 that. So paragraph 116 has some statements in it
14 and there's no citation for it. See that?

15 A. Correct.

16 Q. What was the source of the information in
17 paragraph 116?

18 A. Mr. Lo provided this information.

19 Q. And that was during a telephone call?

20 A. Correct.

21 Q. And I take it you took notes of that when
22 he said it or how did that make its way into your
23 report?

24 A. Myself and my consultant did.

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1 CERTIFICATION
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5 I hereby certify that the
6 testimony and the proceedings in the foregoing
7 matter are contained fully and accurately in the
8 stenographic notes taken by me, and that the copy is
9 a true and correct transcript of the same.

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15 Lucy M. Berardi,
16 Professional Court Reporter
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20 does not apply to any reproduction of the same by
21 any means unless under the direct control and/or
22 supervision of the certifying shorthand reporter.
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